

Mayor Anthony Foxx
Michael D. Barnes
Nancy Carter
Andy Dulin
Patsy Kinsey
Edwin B. Peacock III

Mayor Pro Tem Susan Burgess
Patrick Cannon
Warren Cooksey
David Howard
James E. Mitchell, Jr.
Warren Turner

CITY COUNCIL ZONING AGENDA

Thursday, March 18, 2010

5:00PM – Council/Manager Dinner
Meeting Chamber Conference Room

6:00PM – Zoning Decisions
Meeting Chamber

DINNER MEETING

- **Review of Agenda – Tammie Keplinger / Tom Drake**

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
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REZONING ACRONYMS

Zoning Districts

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **I-1** – light industrial district
- **I-2** – general industrial district
- **INST** – institutional district
- **MUDD** – mixed use development district
- **MX-1** – mixed use district
- **MX-2** – mixed use district
- **MX-3** – mixed use district
- **NS** – neighborhood services district
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential – up to 4 dua
- **R-5** – single-family residential – up to 5 dua
- **R-6** – single-family residential – up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential – up to 12 dua
- **R-17MF** – multi-family residential – up to 17 dua
- **R-22MF** – multi-family residential – up to 22 dua
- **R-43MF** – multi-family residential – up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research district
- **RE-2** – research district
- **RE-3** – research district
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-EO** – transit oriented development – employment - optional
- **TOD-M** – transit oriented development – mixed use
- **TOD-MO** – transit oriented development – mixed use – optional
- **TOD-R** – transit oriented development – residential
- **TOD-RO** – transit oriented development – residential - optional
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UMUD-O** – uptown mixed use district - optional
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential - commercial

Overlay Districts

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **HW** – hazardous waste overlay
- **LNW** – Lake Norman watershed
- **LNWCA** – Lake Norman watershed – critical area
- **LNWPA** – Lake Norman watershed – protected area
- **LLWW** – Lower Lake Wylie watershed
- **LLWWCA** – Lower Lake Wylie watershed – critical area
- **LLWWPA** – Lower Lake Wylie watershed – protected area
- **MILW** – Mountain Island Lake watershed
- **MILWCA** – Mountain Island Lake watershed – critical area
- **MILWPA** – Mountain Island Lake watershed – protected area
- **MH-** – manufactured home overlay
- **PED** – pedestrian overlay district
- **PED-O** – pedestrian overlay district – optional
- **TS** – transit supportive overlay district

Miscellaneous Acronyms

- **CD** – conditional
- **SPA** – site plan amendment

DECISIONS

	<p>1. Petition No. 2009-050 by Mt. Tabor Community Development Corporation for a change in zoning of approximately 1.89 acres located on Sardis Road across from Wilby Drive from R-3 to INST(CD).</p> <p>This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner added a note stating the dedication of the property for greenway purposes will occur prior to issuance of building permits. 2. In light of there being no set timeframe for design and construction of the greenway, or available funding, the petitioner has responded to the request for information about how the open space, greenway, greenway access and elevation near what appears to be the creek line will co-exist by providing the following language on the site plan (with input from the Mecklenburg Parks and Recreation Department staff): <ol style="list-style-type: none"> a) The petitioner and county agree to allow a connection from the petitioner’s property to the greenway access trail in the future. Construction of the petitioner’s private access trail will occur at the same time or after the county’s construction of the greenway access trail. The construction of the private access trail will be designed and built in strict accordance with ADA and ANSI codes and standards. b) The county will build the greenway access trail at some point in the future as funding allows. c) The petitioner would be provided a point to connect onto the county trail that would enable the clients of the petitioner access. d) The petitioner agrees to work with the county for this future connection. e) Any necessary cooperative agreements required by the county will be pursued when design and construction is anticipated. 3. The petitioner added language to the site plan stating that the purpose of the 12-foot gravel drive for dry land access is to provide for the ability to access a habitable building during a flood condition, and that the ordinance requires that a site provide a dry land access point at the highest point on the property when flood conditions prevent the driveway from being used. 4. The petitioner revised the site plan to show the drainage easement (per deed) and to show that the parking area appears to be outside of the drainage easement. The petitioner has provided language on the site that clarifies what the adjacent note regarding “future conditions flood fringe elevation” means and states that it is the elevation by which the parking and building need to be referenced. The parking and building have minimum criteria that use this elevation (a completed and approved flood study established the elevation). 5. The petitioner added a note to the site plan stating that any modifications to the site plan will be in accordance with Section 6.2 of the City of Charlotte Zoning Ordinance. 6. The petitioner amended Note 8.1 to read “...shielded with full cut off <u>fixtures</u>...” 7. The petitioner confirmed with staff that no structures are associated with the proposed water quality features. <p>Attachment 1</p>
	<p>2. Petition No. 2009-075 by Dona Patterson for a change in zoning of approximately 0.64 acres located on the east side of West Sugar Creek Road between North Tryon Street and Penny Way from R-12MF to O-1.</p> <p>This petition is found to be inconsistent with the <i>Northeast District Plan</i> and not reasonable and in the public interest, by a 4-1 vote of the Zoning Committee. The Committee voted unanimously to recommend DENIAL of this petition.</p> <p>Attachment 2</p>
	<p>3. Petition No. 2010-011 by Steele Creek (1997) Limited Partnership for a change in zoning of approximately 82.60 acres located on the south side of Dixie River Road and north of Steele</p>

Creek Road from R-3, BP (CD), CC and O-2(CD) all in the (LLWPA) to CC SPA, CC and I-1 (CD) all in the (LLWPA).

This petition is found to be consistent with the *Dixie Berryhill Strategic Plan* and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

1. The internal private roadway has been modified to include a six-foot wide sidewalk, separated from the curb by an eight-foot wide planting strip on both sides of portions of the private roadway that intersects with New Dixie River Road. They will be provided on one side of the remaining private roadways.
2. The petitioner noted an internal sidewalk network will be constructed that connects each use via a five foot wide sidewalk to the sidewalk along private roadways and public streets.
3. The petitioner provided through lane transition on New Dixie River Drive at Access "C".
4. The petitioner added a northbound left turn lane on Trojan Drive with 150 feet storage with appropriate tapers at Access "A".
5. Petitioner provided two egress lanes exiting the site at the future signalized Access "C" location.
6. The language in the conditional notes has been modified as follows: "when traffic signal control is justified by CDOT, all associated costs will be either shared between the petitioner and others; or solely the responsibility of the petitioner if others are not ready to develop". The petitioner at their discretion may elect to construct the signal with steel posts and mast arms at no additional costs to others.
7. The petitioner reduced the construction phasing of New Dixie River to two phases versus three.
8. A note has been added stating the New Dixie River roadway construction from Berewick Commons Parkway to Sandhaven Way and the installation of a new traffic signal at New Dixie River Road and Sandhaven Way will occur and be in place prior to issuance of a final certificate of occupancy for more than 420,000 square feet of allowed use on Parcel C and D.
9. A note has been included indicating that when the petitioner designs and constructs the extension of Berewick Commons Parkway through Parcel C, including stubbing the street to tax parcel 199-241-22, the stub street to tax parcel 199-241-22 will be designed and constructed as is customary through the City of Charlotte's subdivision process. The petitioner will design the stub street during the subdivision process in plan and profile using the latest city topography available from Berewick Commons Parkway to Trojan Drive to determine the most cost effective street connection. In addition, the petitioner will cooperate with the City during the final design of the extension of the stub street by others from Parcel C to Trojan Drive.
10. A note has been added that the petitioner will construct the westbound approach at Access "F" with one ingress lane and two egress lanes as an exclusive left and right turn lanes.
11. A note has been added that the petitioner will construct the northbound approach at Access "I" with one ingress lane and two egress lanes as an exclusive left and right turn lanes.
12. The petitioner included the Right of Way Acquisition paragraph to align with the City's current real estate acquisition policy to read as follows: It is possible that the Petitioner will have to acquire off-site right-of-way to complete some of these roadway improvements. If after three reasonable efforts have been made by the Petitioner to acquire such right-of-way on market rate terms, such efforts to be expended for a period of 60 days, the Petitioner has not been successful, the City of Charlotte will assist in the acquisition of right-of-way in accordance with its standard policies. In such event, the Petitioner will reimburse the City for costs associated with this right-of-way acquisition.
13. The petitioner will remove the dimensions on street cross-sections that must comply with CDOT and Subdivision standards.
14. The petitioner reflected proposed zoning in Parcels A and B as CC.

Attachment 3

4. **Petition No. 2010-012 by Sree Hotels, LLC** for a change in zoning of approximately 0.32 acres located on the west side of Little Rock Road between Interstate 85 and Keeter Drive from I-2(LLWPA) to I-1(LLWPA).

	<p>This petition is found to be consistent with the <i>Southwest District Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Attachment 4</p>
	<p>5. Petition No. 2010-013 by Roger and Perina Stewart for a UR-3(CD) site plan amendment for approximately 0.68 acres located at the north intersection of Belmont Avenue and Allen Street.</p> <p>This petition is found to be consistent with the <i>Belmont Area Revitalization Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. Commissioner Randolph was recused. The Committee voted unanimously to recommend APPROVAL of this petition with the following modification:</p> <ol style="list-style-type: none"> 1. The petitioner removed the asterisks shown by the proposed maximum building height. <p>Attachment 5</p>
	<p>6. Petition No. 2010-014 by City of Charlotte for a UMUD-O Site Plan Amendment of approximately 1.05 acres located on the south side of the intersection at North Tryon Street and East 5th Street.</p> <p>This petition is found to be consistent with the <i>Center City 2010 Vision Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner amended Note 1 to allow a maximum of three banners per wall elevation. Deleted reference to "multiple banners per establishment". 2. The petitioner amended Note 5 to allow a maximum of 14 bulletin boards for the sole purpose of posting notices of upcoming events, consisting of 12 existing bulletin boards on the North Tryon Street facade and two proposed bulletin board displays on the College Street facade. The proposed bulletin boards total 65 square feet in area. In addition, provided a reference to an accompanying labeled attachment that specifies the location of the existing bulletin boards. 3. The petitioner amended Note 6 to specify that window signage is for the sole purpose of posting notice of upcoming events and referenced accompanying attachments that specify the location of window signage along the Fifth Street and College Street facades for which 100 percent coverage is requested. <p>Attachment 6</p>
	<p>7. Petition No. 2010-015 by City of Charlotte for a UMUD-O Site Plan Amendment of approximately 2.74 acres located on the north corner of the intersection at North Tryon Street and West 6th Street.</p> <p>This petition is found to be consistent with the <i>Center City 2010 Vision Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner added a note that approval for any additional attached signage on the parking deck will be obtained from the Historic District Commission. 2. The petitioner amended Note 1 to allow a maximum of three banners per wall elevation. Deleted reference to multiple banners per establishment. 3. The petitioner specified that window signage may be in the form of video or LED screens. 4. The petitioner amended Note 7 to reference an accompanying attachment that specifies the location of window signage along the Sixth Street and North Tryon Street facades for which 70 percent coverage is requested. <p>Attachment 7</p>

<p>8.</p>	<p>Petition No. 2010-016 by Public Library of Charlotte & Mecklenburg County for a change in zoning of approximately 2.79 acres located at the western corner at the intersection of East 7th Street and North Brevard Street from UMUD to UMUD-O.</p> <p>This petition is found to be consistent with the <i>Center City 2010 Vision Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner amended Note 1 to allow a maximum of 3 banners and deleted references to "multiple banners per establishment". 2. The petitioner amended Note 4 to allow for 5 existing bulletin boards and referenced attachment 2010-016A, B, C, D E containing pictures. 3. The petitioner specified that window signage may be either video or LED screens. 4. The petitioner amended Note 7 to specify that video screens are permitted at a maximum size of 200 square feet per operating unit. <p>Attachment 8</p>
<p>9.</p>	<p>Petition No. 2010-017 by Public Library of Charlotte & Mecklenburg County for a change in zoning of approximately 1.31 acres located along the south side of North Tryon Street between East 6th Street and East 7th Street from UMUD to UMUD-O.</p> <p>This petition is found to be consistent with the <i>Center City 2010 Vision Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner amended Note 1 to allow a maximum of three banners. Deleted reference to multiple banners. 2. The petitioner amended Note 4 to allow a maximum of eight bulletin boards at a maximum of 161.6 square feet along the Sixth Street façade and a maximum of 97 square feet along the North Tryon elevation. . 3. The petitioner specified that window signage may be in the form of video or LED screens, in addition to traditional signage. 4. The petitioner amended Note 7 to specify that video screens are permitted at a maximum size of 200 square feet per operating unit. <p>Attachment 9</p>
<p>10.</p>	<p>Petition No. 2010-018 by Mecklenburg County for a change in zoning of approximately 1.55 acres located along North College Street between East 6th Street and East 7th Street from UMUD to UMUD-O.</p> <p>This petition is found to be consistent with the <i>Center City 2010 Vision Plan</i> and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner amended Note 1 and deleted the language "multiple banners per establishment". The petitioner has added "Allow a maximum of three banners per wall elevation that may not be attached to the building wall or canopy on a permanent basis. 2. The petitioner amended Note 4 to allow the five existing exterior bulletin boards located on the N. Tryon Street elevations (identifying Attachments) for the sole purpose of posting notices of tenant names or upcoming events. 3. The petitioner added a note to state that video screens are permitted at a maximum size of 200 square feet per operating unit and limit to a maximum of one video screen per elevation. 4. The petitioner amended Note 5 to reference an attachment identifying the location (along the Seventh Street façade) of the request to allow up to 100 percent window coverage. <p>Attachment 10</p>
<p>11.</p>	<p>Petition No. 2010-024 by Freedom Drive Development Association for a change in zoning</p>

of approximately 0.28 acres located on the northwest corner at the intersection of Freedom Drive and West Morehead Street from B-1(PED) to B-1(PED-O).

This petition is found to be consistent with the *West Morehead Land Use and Pedscape Plan* and reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

1. Clarification that the requested optional provisions are to allow the existing roof sign (Volkswagen Beetle) to remain and to allow the existing detached sign to remain;
2. Clarification that the existing detached sign is out of the public right-of-way and is a maximum of 16 feet high and 24 square feet in size.

Attachment 11

HEARINGS

	<p>12. Petition No. 2009-074 by Sycamore I, LLC for a change in zoning of approximately 4.71 acres located along West 6th Street and North Sycamore Street from UR-2 and UR-3 to UMUD(CD) with five year vested rights.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2010-019 by Betty S. Triece by Pamela Triece Rhynes, POA for a change in zoning of approximately 0.60 acres located on the east side of Eastway Drive near the intersection of Weldon Avenue and Citiside Drive from R-22MF to O-2.</p> <p>Staff cannot support this petition.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2010-020 by Duke Energy Corporation for a change in zoning of approximately 1.32 acres located on the north side of Pineville-Matthews Road between Carmel Executive Park and Bannington Road from R-3 to O-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 14</p>
<p>Deferral (one-month)</p>	<p>15. Petition No. 2010-023 by RED Partners for a NS and UR-3(CD) site plan amendment for approximately 9.06 acres located on the west corner of Ardrey Kell Road and Marvin Road.</p> <p>Petitioner is requesting a one-month deferral of this petition.</p> <p>Staff cannot support this petition in its current form.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2010-029 by James Small for a UMUD-O site plan amendment of approximately 0.54 acres located on the northern corner at the intersection of South Caldwell and East 3rd Street.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 16</p>
	<p>17. Petition No. 2010-026 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add Special Event off street parking or non-construction staging as a principal use allowed with prescribed conditions in the UMUD Zoning District.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 17</p>